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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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12 RASHID ALATRAQCHI,
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14 Plaintiff,

15 v.

16 UBER TECHNOLOGIES, INC., et al.,
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18 Defendants.
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Case No.: C-13-03156 JSC

**ORDER RE: SCHEDULING AND
PLAINTIFF'S CONSENT OR
DECLINATION TO PROCEED
BEFORE THE UNDERSIGNED
MAGISTRATE JUDGE**

20 Now pending before the Court are Defendants' motion to dismiss (Dkt. No. 8) and Plaintiff's
21 motion to remand (Dkt. Nos. 14-15). Plaintiff first filed his motion on August 5, 2013, setting a
22 briefing schedule but not a hearing on the motion. Plaintiff then filed what appears to be the identical
23 motion four days later; Plaintiff set the hearing for August 15, 2013. Local Rule 7-2(a) requires that a
24 motion be set for hearing "not less than 35 days after service of the motion." Because Plaintiff's
25 scheduled hearing date is less than 35 days after service of the motion, the Court reschedules the
26 hearing on Plaintiff's motion to September 12, 2013 at 9:00 a.m. Defendants' motion remains
27 scheduled for August 22, 2013 at 9:00 a.m.
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1 In addition, Plaintiff has not yet filed a notice of consent or declination to the undersigned
2 magistrate judge's jurisdiction. Local Rule 73-1(a)(2) requires that a party file a consent or
3 declination within seven days if the party has filed a motion that cannot be heard by the magistrate
4 judge without the consent of the parties, pursuant to 28 U.S.C. § 636(c). Plaintiff's motion to remand
5 cannot be heard by the undersigned without Plaintiff's consent. On August 7, 2013, the Clerk sent
6 Plaintiff a notice regarding Plaintiff's consent or declination, which requires Plaintiff's response by
7 August 21, 2013. If Plaintiff's response is not received by that date, this action will be reassigned to a
8 district court judge.

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10 IT IS SO ORDERED.

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12 Dated: August 13, 2013

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14 JACQUELINE SCOTT CORLEY
15 UNITED STATES MAGISTRATE JUDGE
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United States District Court

Northern District of California